

**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE

IN THE MATTER OF UNION ELECTRIC COMPANY, d/b/a AMEREN MISSOURI'S
TARIFF TO INCREASE ITS ANNUAL REVENUES FOR ELECTRIC SERVICE

OFFICE OF PUBLIC COUNSEL, AARP, MISSOURI INDUSTRIAL ENERGY
CONSUMERS, and CONSUMERS COUNCIL OF MISSOURI,

Appellants,

v.

PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI, et al.,

Respondents.

DOCKET NUMBER WD75980

(Consolidated with WD76076, WD76080, and WD76082)

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: October 15, 2013

APPEAL FROM

The Public Service Commission

JUDGES

Division Three: Hardwick, P.J., and Pfeiffer and Martin, JJ.

CONCURRING.

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MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS, WESTERN DISTRICT

**IN THE MATTER OF UNION)
ELECTRIC COMPANY, d/b/a AMEREN)
MISSOURI'S TARIFF TO INCREASE)
ITS ANNUAL REVENUES FOR)
ELECTRIC SERVICE)**

**OFFICE OF PUBLIC COUNSEL, AARP,)
MISSOURI INDUSTRIAL ENERGY,)
CONSUMERS, and CONSUMERS)
COUNCIL OF MISSOURI,)**

Appellants,)

v.)

**PUBLIC SERVICE COMMISSION OF)
THE STATE OF MISSOURI, et al.,)**

Respondents.)

**OPINION FILED:
October 15, 2013**

**WD75980 (Consolidated with WD76076,
WD76080, and WD76082)**

Public Service Commission

Before Division Three Judges:

Lisa White Hardwick, Presiding Judge, and Mark D. Pfeiffer and Cynthia L. Martin, Judges

In this appeal, Missouri Industrial Energy Consumers, Consumers Council of Missouri, AARP, and the Office of Public Counsel, collectively "Consumers," challenge the Public Service Commission's ("PSC") Report and Order issued December 12, 2012, that approved a rate increase for Union Electric Company, d/b/a Ameren Missouri. Specifically, Consumers appeal the PSC's decision allowing Ameren Missouri to use a Fuel and Purchased Power Adjustment Clause ("FAC") to automatically recover from customers certain transmission service charges that Ameren Missouri remits to the Midcontinent Independent System Operator, Inc. ("MISO"), a Federal Energy Regulatory Commission-approved regional transmission organization, in which Ameren Missouri participates, with the PSC's approval. Specifically, Consumers assert that

because the surcharge allowed under section 386.266.1 is only for “prudently incurred fuel and purchased-power costs, including transportation,” and electricity is not “transported” but is “transmitted,” transmission charges are ineligible for inclusion in an FAC.

AFFIRMED.

Division Three holds:

The plain and ordinary meaning of both “transportation” and “transmission” as derived from the dictionary is conveyance from one place to another, which supports a finding that the term “transportation” in the context of section 386.266.1 includes “transmission.” Furthermore, both the Missouri legislature and other Missouri courts have used the term “transportation” in connection with electricity. The PSC’s order allowing Ameren Missouri to surcharge the MISO electricity transmission charges under an FAC was lawful and reasonable.

Opinion by: Mark D. Pfeiffer, Judge

October 15, 2013

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